

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER JOHN WILSON,

Plaintiff,

v.

OFFICER SHARPS, *et al.*,

Defendants.

Case No. 1:21-cv-01651-CDB (PC)

FINDINGS AND RECOMMENDATIONS
TO DISMISS CERTAIN DEFENDANTS

(Doc. 20)

FOURTEEN (14) DAY DEADLINE

Clerk of Court to assign District Judge.

Plaintiff Christopher John Wilson is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed under 42 U.S.C. § 1983. On June 30, 2023, the Court screened the complaint and found it states a cognizable claim for Eighth Amendment excessive force against Defendants Sharp and Ward. (Doc. 19.) The Court further found the allegations do not state a claim against the Warden, North Kern State Prison (NKSP), or California Department of Corrections and Rehabilitation. (*Id.* at 8.)

In response to the screening order, Plaintiff filed a first amended complaint stating he “agrees with the Court that [he] can only proceed with the two Defendants Officers Sharps and Z. Ward and dismiss the Warden[,] NKSP and CDCR.” (Doc. 20.) The Court construes this response as an election to proceed on the complaint as screened.

1 Accordingly, it is hereby RECOMMENDED that the Court dismiss as defendants the
2 Warden of NKSP, NKSP, and CDCR.

3 These Findings and Recommendations will be submitted to the United States District
4 Judge assigned to this case pursuant to 28 U.S.C. § 636(b)(1). **Within fourteen (14) days** from
5 the date of service of these Findings and Recommendations, Plaintiff may file written objections
6 with the Court. The document should be titled, "Objections to Magistrate Judge's Findings and
7 Recommendations." Plaintiff's failure to file objections within the specified time may result in
8 waiver of his rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014) (citing
9 *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

10 The Clerk of Court is directed to assign a District Judge.

11 IT IS SO ORDERED.

12 Dated: **July 26, 2023**

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UNITED STATES MAGISTRATE JUDGE